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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peng T. Ong and Eng-Kiat Koh
App. No. : 10/803,752
Filed : March 18, 2004
TC/A.U. :
Examiner :

Docket No. : E04-1015
Confirmation No. 6881

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION

Dear Sir:

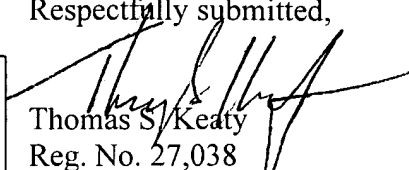
The applicants through their undersigned attorney respectfully request that the filing date of March 18, 2004 be accorded to the application. As basis for the Petition, the applicants respectfully request that on March 18, 2004 the applicants' attorney reviewed the materials for filing in the U.S. Patent Office and instructed his assistant, Debra Mengel to place the application consisting of the specification, claims and one sheet of drawing into the envelope addressed to Commissioner for Patents, P.O. Box. 1450, Alexandria, VA 22313-1450. The assistant was also requested to make a copy of all documents submitted for filing (Specification and claims; Fee Transmittal; New Utility Patent Application transmittal; one sheet of informal drawing) and place them in the in the records of the attorney's office while sending the original to the US PTO. Due to the inadvertent clerical error, one page of drawings must have become jammed in the copy machine and as a result the one sheet of drawing was not properly submitted to the PTO. The undersigned respectfully submits that omission of the drawing sheet was inadvertent, without deceptive intent and would not have occurred under normal business practice of the office of the undersigned except for that single occasion.

It is respectfully admitted that it will work a considerable hardship on the applicants if the application is not restored to the pending status with a filing date of March 18, 2004. An affidavit of Ms. Mengel attesting to the fact that the omission of the drawing was inadvertent is enclosed herewith.

The error of placing a copy along with the original in the file was inadvertent and would not have occurred under the normal circumstances except for the considerable workload and rush of filing of the application for March 18, 2004, as requested by the applicants.

Please charge the required Petition fee to Deposit Account No. 11-0260.

Respectfully submitted,


Thomas S. Keaty
Reg. No. 27,038
Keaty Professional Law Corporation
2140 World Trade Center
2 Canal Street
New Orleans, Louisiana 70130
Tel: (504) 524-2100
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:

Assistant Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

On: 06-2-98

By: Pamela Gautreaux

Pamela Gautreaux



STATE OF LOUISIANA
PARISH OF ORLEANS

AFFIDAVIT

Before me, the undersigned personally came and appeared, Debra Mengel, who personally known to me as a person of the age of majority and whereas who having been first duly sworn, states as follows:

- 1- On March 18, 2004, Thomas S. Keaty who I work for instructed me to prepare the documents for filing with the U.S. Patent Office.
- 2- I have done this task countless times before;
- 3- I prepared a return receipt postcard, an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and placed the application consisting of specification, claims, New Utility Patent Application Transmittal; Fee Transmittal; Assignment Recordation form; Power of Attorney; Declaration; Assignment and one sheet of drawing together for finalizing by the attorney.
- 4- Mr. Keaty had reviewed the package and instructed me to make copies of the application and the postcard before placing the original formal documents in the envelope before mailing to the PTO.
- 5- I made the copies and separated into two packages the original to be sent to the Patent Office and a copy to remain in the applicant's file. Unfortunately, the copy of the drawing sheet along with the original was inadvertently placed in a stack to be filed. Not having noticed this error, I placed the application with the formal documents and the return receipt postcard and mailed it to the PTO on March 18, 2004
- 6- The error or placing a copy along with the original in the file was inadvertent and would not have occurred under the normal circumstances except of the considerable workload and rush of filing the application on March 18, 2004 as requested by the applicants.

Further affiant sayeth not.

Debra Mengel
Debra Mengel

Subscribed to before me this 9th day of June, 2004.

[Signature]
NOTARY PUBLIC

My commission expires at death.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/803,752	03/18/2004	Peng T. Ong	E04-1015

27257
 THOMAS S. KEATY
 KEATY PROFESSIONAL LAW CORP.
 2140 WORLD TRADE CENTER
 NO. 2 CANAL STREET
 NEW ORLEANS, LA 70130



CONFIRMATION NO. 6881

FORMALITIES LETTER



OC000000012850628

Date Mailed: 06/03/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Sharon Kuey

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE